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COALITION OF INDUSTRIAL AND LAND TRANSPORTATION RADIO USERS

January 21, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20554

Re: PR Docket No. 92-235

Dear Mr. Caton:

This is with reference to the letter of January 6, 1997 from Industrial Telecommunications Association, Inc. ("ITA") in the above-captioned proceeding. ITA takes issue with the Coalition of Industrial and Land Transportation Radio Users' (the "Coalition's") proposal that post-consolidation coordinations be the subject to a brief period for concurrence by other coordinators. In particular the Coalition suggested that a period of 10-20 business days be allowed for concurrence, with silence being deemed consent.

ITA argues in favor of mere notification. It suggests that coordinators would "never" be able to agree on co- and adjacent-channel separation criteria; that any attempt to protect different users according to different standards would be discriminatory; that critical private wireless operations can be protected by means of protected service areas ("PSAs"); and that concurrence "would be incredibly, and inexcusably, detrimental to the private wireless industry." Id. at 4.

ITA is mistaken. It has nothing to fear from a concurrence requirement. Rather such a requirement will help ensure that, in the course of transitioning to consolidated pools below 512 MHz, users whose facilities are critical for worker safety or other operational considerations will not suddenly find themselves subject to interference.

Take, for example, radio frequencies used to control overhead cranes in the movement of vats of molten steel, or those used to monitor the shipment of hazardous materials

(such as radioactive waste) in the trucking industry, or those used for transmission of emergency data messages (where delay can cost lives), or those used in hazardous logging operations -- each of these deserves greater protection (separations) than a run-of-the-mill hamburger order at a Wendy's drive-through. Yet, under ITA's proposal the Commission and other coordinators would be forced to spend extra time and effort attempting to rectify improvident coordinations already in the processing pipeline at Gettysburg. It is for reasons like these that after the fact efforts at correcting problem coordinations are avoided by the Commission in favor of prior concurrence. See Rule 101.103(d) (prior notice and opportunity afforded for objection before fixed microwave applications may be filed).

While ITA suggests that it would protect critical uses, it also seems to characterize such efforts as "[]discriminatory". Id. at 4. There is nothing "discriminatory" about protecting critical uses. For example, Title II of the Communications Act does not prohibit discrimination per se, only that which is unreasonable and hence unlawful. See 47 U.S.C. Section 202(a). There is certainly nothing unreasonable about protecting critical uses with greater separations.

In any event, ITA's position begs the question: How can it protect mission-critical systems unless it knows what it needs to protect? It is the receiving coordinators which have data on system usage -- not an initiating coordinator. It is for this reason that concurrence of the type proposed here is the only sensible solution pending agreement on appropriate separations for mission-critical systems.

Nor is it enough to suggest that PSAs will cure the problem. Let's face it: Some incumbents may be unable to secure PSAs due to an inability to secure necessary co-channel concurrences. Reliance on PSAs, therefore, is no answer for users who may continue to require protection.

The Coalition suggests that a two-fold solution is readily available: (1) require pooled coordinator concurrences until agreement is reached on appropriate protections for users unable to transition to exclusive channels (standards for which are not yet known); and (2) urge

coordinators to meet and reach agreement on such protections once the shape of the consolidated pools is known (something which the Commission contemplated and endorsed in the Report and Order in this proceeding (FCC 95-255, released June 23, 1995) at, e.g., paras. 27, 76 (coordinators to agree on separation requirements based on, inter alia, "the particular operating environment of each licensee").[1]

* * * *

ITA has offered no specific reasons in support of its position that concurrence would somehow undermine re-farming's goals. On the contrary, a concurrence requirement would facilitate a smoother transition to what will be a dramatically different world for frequency usage below 512 MHz.

The private wireless communication is close to realizing the long-awaited benefits of re-farming. It is important that this issue be resolved in favor of concurrence lest those benefits be lost in a sea of untoward, adverse effects for users, and extra, unnecessary work for the Commission's staff and coordinators.

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[1] ITA suggests that notifications to other coordinators should include the same data "required by the FCC to issue a license, FCC Form 600 data." Id. at 5. However, at footnote 3 the letter states that

> "the extent of the data transfer required is minimal, i.e. frequency advisory committee number, call sign, expiration dat[e], special conditions, etc. as all pertinent administrative and technical data should already reside within each coordinator's database."

It is unclear how all this data would reside within each coordinator's database unless transmitted by an initiating coordinator. Certainly requiring a receiving coordinator to marry up data extracted from the FCC's database, on the one hand, with the meager notification data suggested for transmittal among coordinators, on the other hand, would be a waste of time and resources for receiving coordinators. It would also make more difficult the protection of critical incumbent systems against newcomers coordinated nearby.

An original and one copy of this letter is supplied for inclusion in the Commission's docket file.

Sincerely,

Gus Gyllenhoff
American Trucking Associations, Inc.
(703) 838-1730

George Petrutsas
Counsel for Forest Industries
Telecommunications
(703) 812-0429

William K. Keane
Counsel for Manufacturers Radio
Frequency Advisory
Committee, Inc.
(202) 775-7123

William K. Keane
Counsel for International Taxicab and
Livery Association
(202) 775-7123

John A. Prendergast
Counsel for American Automobile
Association
(202) 828-5540

cc: Secretary
Mark E. Crosby
Robert Hoggarth
Jeffrey L. Sheldon
Thomas J. Keller
Wayne V. Black